

W.Va., Va. flying squirrel subject of fed. lawsuit

By the Associated Press

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CHARLESTON, W.Va. - A Bush administration decision to remove a flying squirrel that dates back to the Ice Age from the endangered species list was challenged Thursday when environmental groups sued to restore the animal to protected status.

The five groups argue the U.S. Fish and Wildlife Service didn't follow its own protocols when it removed the northern West Virginia flying squirrel from the list. The animal is only found in higher elevation forests of West Virginia and Virginia.

The squirrel subspecies was placed on the endangered species list in 1985 after only 10 animals were found. The Fish and Wildlife Service started efforts to delist the animal after a 2006 study located 1,200 of them at 109 sites.

Judy Rodd with the Charleston-based Friends of Blackwater said the lawsuit is about the agency's failure to follow a flying squirrel recovery plan it issued in 1990 and updated in 2001.

"Our claim is they did not follow a rational process ... so the flying squirrel should go back on the list," Rodd said.

In April, the groups put the service and its parent agency the Department of Interior on notice that both would be sued if the squirrel was not returned to the list. At that time, a Fish and Wildlife Service spokeswoman said the agency believed its action was correct.

The Fish and Wildlife Service and U.S. Department of Interior declined to comment on the litigation.

The small nocturnal animals are found in seven West Virginia counties that include portions of the Monongahela National Forest. In Virginia, the animal is found in just Highland County.

Rodd and others argue removing the flying squirrel from protected status was a political decision to favor timber operators and developers. Without protections, the groups fear the squirrels' habitat will become fragmented by new roadways, logging, recreation and other developments. Returning the squirrel to protected status would allow for the creation of forest preserves.

"The decision to remove protections for the northern flying squirrel is very typical for the Bush administration," said Norah Greenwald with the Center for Biological Diversity in Tucson, Ariz. The group has challenged decisions affecting the listing of 53 other species.

"We hope the Obama administration will ... settle this suit and agree to reconsider," he said.